

BEUSSE BROWNLEE WOLTER MORA & MAIRE, P.A.

JAMES H. BEUSSE
 JACKSON O. BROWNLEE
 JOHN L. DEANGELIS, JR.
 DAVID G. MAIRE
 CHRISTINE Q. MCLEON
 ENRIQUE J. MORA
 NORMAN A. NIXON
 TERRY M. SANKS
 W. DAVID SARTOR
 TIMOTHY H. VAN DYKE
 ROBERT L. WOLTER

390 N. ORANGE AVENUE, SUITE 2500
 ORLANDO, FLORIDA 32801
 TELEPHONE: (407) 926-7700
 FACSIMILE: (407) 926-7720
[WWW.IPLAWFL.COM](http://www.iplawfl.com)

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OF COUNSEL
 JOSEPH FISCHER

WRITER'S DIRECT DIAL/EMAIL
 (407) 926-7724
dsartor@iplawfl.com

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FROM	:	W. David Sartor
DATE	:	November 8, 2004
RE	:	Serial Number 09/839,024 (Confirmation No.: 2395)
ATTY. DOCKET NO:	:	20-EB-4093/624226-305

VIA FACSIMILE ONLY

Attached please find for entry into the above-referenced application:

1. Transmittal Form (1 page);
2. Fee Transmittal (1 page); and
3. Brief Of Appellant with Certificate of Facsimile Transmittal (17 pages).

Yours truly,

W. David Sartor

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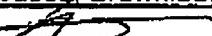
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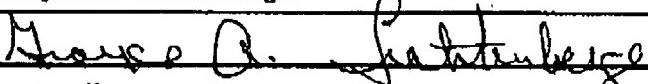
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number 09/839,024
		Filing Date 04/20/2001
		First Named Inventor James Edward Schlabach
		Art Unit 2177
		Examiner Name Srirama T. Channavajjala
Total Number of Pages in This Submission		Attorney Docket Number 20-EB-4093/624226-305

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit(s)/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Facsimile Transmittal
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Firm or individual name	W. David Sartor (Reg. No. 50,560) Beusse, Brownlee, Wolter, Mora & Maire, P.A. (Customer No. 29,391)
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Signature		Date November 8, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 340.00)

Complete if Known

Application Number	09/839,024
Filing Date	04/20/2001
First Named Inventor	James Edward Schlapach
Examiner Name	Srirama T Channavajala
Art Unit	2177
Attorney Docket No.	20-EB-4093/624228-305

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
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Deposit Account Number	07-0846
Deposit Account Name	General Electric Company

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 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001	2001	790	395	Utility filing fee	
1002	2002	350	175	Design filing fee	
1003	2003	550	275	Plant filing fee	
1004	2004	790	395	Reissue filing fee	
1005	2005	160	80	Provisional filing fee	
SUBTOTAL (1)		(\$ 0.00)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Extra Claims below	Fee from	Fee Paid
		-20" =	X 18.00 =	
		- 3" =	X 88.00 =	

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1202	2202	18	9	Claims in excess of 20	
1201	2201	88	44	Independent claims in excess of 3	
1203	2203	300	150	Multiple dependent claim, if not paid	
1204	2204	88	44	" Reissue independent claims over original patent	
1205	2205	18	9	" Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)		(\$ 0.00)			

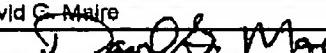
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FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051	2051	130	65	Surcharge - late filing fee or oath	
1052	2052	50	25	Surcharge - late provisional filing fee or cover sheet	
1053	2053	130	130	Non-English specification	
1812	1812	2,520	2,520	For filing a request for ex parte reexamination	
1804	1804	920*	920*	Requesting publication of SIR prior to Examiner action	
1805	1805	1,840*	1,840*	Requesting publication of SIR after Examiner action	
1251	2251	110	55	Extension for reply within first month	
1252	2252	430	215	Extension for reply within second month	
1253	2253	980	490	Extension for reply within third month	
1254	2254	1,530	765	Extension for reply within fourth month	
1255	2255	2,080	1,040	Extension for reply within fifth month	
1401	2401	340	170	Notice of Appeal	
1402	2402	340	170	Filing a brief in support of an appeal	\$ 340.00
1403	2403	300	150	Request for oral hearing	
1451	1451	1,510	1,510	Petition to Institute a public use proceeding	
1452	2452	110	55	Petition to revive - unavoidable	
1453	2453	1,370	685	Petition to revive - unintentional	
1501	2501	1,370	685	Utility issue fee (or reissue)	
1502	2502	490	245	Design issue fee	
1503	2503	660	330	Plant issue fee	
1460	1460	130	130	Petitions to the Commissioner	
1807	1807	50	50	Processing fee under 37 CFR 1.17(q)	
1806	1806	180	180	Submission of information Disclosure Stmt	
8021	8021	40	40	Recording each patent assignment per property (times number of properties)	
1809	2809	790	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	2810	790	395	For each additional invention to be examined (37 CFR 1.129(d))	
1801	2801	700	395	Request for Continued Examination (RCE)	
1802	1802	900	900	Request for expedited examination of a design application	
Other fee (specify)		SUBTOTAL (3)			
*Reduced by Basic Filing Fee Paid		(\$ 340.00)			

(Complete if applicable)

Name (Print/Type)	David G. Maire	Registration No. / Attorney/Agent	34,865	Telephone (407) 926-7704
Signature			Date	November 8, 2004

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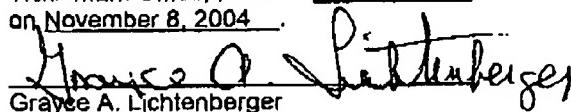
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on November 8, 2004.


Grayce A. Lichtenberger

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Applicants: James Edward Schlabach et al.)
Examiner: Srirama T. Channavajjala)
Serial No.: 09/839,024)
Filed: 04/20/2001)
Group Art: 2177)
Atty. Docket: 20-EB-4093/624226-305)
For: Method For Training Service)
Personnel to Service Selected)
Equipment)

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APPELLANT'S BRIEF UNDER 37 CFR 41.10

This brief is in furtherance of the Notice of Appeal filed in this application
on September 8, 2004.

The fee set forth in 37 CFR 41.20(b)(2) is authorized to be charged to the
assignee's Deposit Account in accordance with the attached Fee Transmittal
form.

1. REAL PARTY IN INTEREST - 37 CFR 41.37(c)(1)(i)

The real party in interest in this Appeal is the assignee of the present application, General Electric Company, a corporation of the State of New York.

2. RELATED APPEALS AND INTERFERENCES - 37 CFR 41.37(c)(1)(ii)

There is no other appeal, interference or judicial proceeding that is related to or that will directly affect, or that will be directly affected by, or that will have a bearing on the Board's decision in this Appeal.

3. STATUS OF CLAIMS - 37 CFR 41.37(c)(1)(iii)

Claims cancelled: none.

Claims withdrawn but not cancelled: none.

Claims pending: 1-16.

Claims allowed: none.

Claims rejected: 1-16.

Claim rejections appealed: 1-16.

4. STATUS OF AMENDMENTS - 37 CFR 41.37(c)(1)(iv)

The proposed amendment submitted in response to the Final Office Action mailed on March 24, 2004 has been entered by the Examiner.

5. SUMMARY OF CLAIMED SUBJECT MATTER- 37 CFR 41.37(c)(1)(v)

This invention relates generally to training equipment service personnel, and more specifically, to on-demand training service of personnel servicing selected equipment, including while the service personnel are on a service site, to enable the service personnel to perform a service for which the service personnel would not otherwise be qualified to perform. In that regard, training needed to fulfill a servicing task is identified and made available to the service personnel essentially on a real time basis, including just prior to performing the servicing task.

Independent claim 1 is directed to a computerized method for training service personnel to service selected equipment. An exemplary embodiment of the method is depicted in the flow chart shown in FIG. 9. Claim 1 in part recites providing a database for storing training modules for training service personnel to service assemblies of selected equipment (e.g., equipment 202). Claim 1 further recites that in the event predefined qualifications for servicing the assembly are unmet by the present qualifications of the service provider, one or more needed training modules are identified that, upon completion by the service personnel, will enable the service personnel to meet the predefined qualifications relative to that assembly (e.g., assembly 210). An input/output device is provided (e.g., device 212) for communicating the needed training modules from the database to the input/output device for access by the service personnel set to perform the service (e.g., service as indicated at 214).

Independent claim 16 is directed to a computerized system for training service personnel to service select equipment. An exemplary embodiment of the system is depicted in FIG. 10. Claim 16 in part recites a database (e.g., database 316) for storing training module(s) (e.g., module 315) for training service personnel to service respective assemblies of selected equipment and a processor (e.g., processor 312) configured to process the present qualifications of the service personnel and to determine whether or not on-site personnel are trained to service the select equipment. Claim 16 also recites a training identifier module (e.g., module 306) configured to identify one or more needed training modules in the database and an input/output device (e.g., input/output device 314) for communicating the needed training modules from the database to the input/output device for access by the service personnel set to perform the service.

6. GROUNDS OF REJECTION TO BE REVIEWED UPON APPEAL -

37 CFR 41.37(c)(1)(vi)

- A) Claims 1- 5 and 7-16 are rejected under 35 U.S.C. §102(e) as being anticipated by Li (U.S. Pat. No. 6,609,050).

B) Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Li (U.S. Pat. No. 6,609,050) in view of Hughes (U.S. Pat. No. 5,959,275).

7. APPENDICES

A copy of the claims 1-16 involved in this appeal is attached as a claims appendix under 37 CFR 41.37(c)(1)(viii). No evidence appendix under 37 CFR 41.37(c)(1)(xi) or related proceedings appendix under 37 CFR 41.37(c)(1)(x) is required.

8. ARGUMENT 37 CFR 41.37(c)(1)(vii)

A) Rejection of claims 1- 5 and 7-16 under 35 U.S.C. §102(e) as being anticipated by Li (U.S. Pat. No. 6,609,050).

The applicants argue that Li does not support a *prima facie* case of anticipation for claims 1- 5 and 7-16 because Li fails to teach each of the claimed elements. With regard to the rejections applied against claims 1- 5 and 7-16; it is applicants' intention that the rejected claims do not stand or fall together. Claims 1- 5 and 7-15 should be grouped together, while claim 16 should be grouped separately from claims 1- 5 and 7-15 for purposes of consideration in this rejection because claims 1- 5 and 7-15 are directed to a method for training service personnel to service select equipment, while claim 16 is directed to a computerized system for training service personnel to service selected equipment.

The test for establishing a *prima facie* case of anticipation under §102 "requires the presence in a single prior art reference of each and every element of the claimed invention, arranged as in the claim." (Lindemann Maschinenfabrik GmbH v. American Hoist and Derrick Co., 730 F.2d 1452, 221 USPQ 481,485 (Fed. Cir. 1984)). Furthermore, "there must be no difference between the claimed invention and the referenced disclosure, as viewed by a person of ordinary skill in the field of the invention." Scripps Clinic and Research Found. v. Genentech Inc., 927 F.2d 1565, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991)).

Absence from the reference disclosure of any claim element and/or operational interrelationship negates anticipation under §102.

A.1) With regard to claims 1-15, independent claim 1 is directed to a "computerized method comprising providing a database for storing respective training modules for training service personnel to service respective assemblies of selected equipment... in the event the predefined qualifications for servicing the assembly are unmet by the present qualifications of the service provider, identifying one or more needed training modules in the database for storing training modules that upon completion by the service personnel would enable the service personnel to meet the predefined qualifications relative to that assembly... and communicating the needed training modules from the database to the input/output device for access by the service personnel set to perform the service, thereby enabling that service personnel to be trained to become qualified to complete the servicing task with the service personnel remaining on-site." Claims 2-15 depend therefrom.

The Examiner relies on Li to reject claim 1 under 35 U.S.C. §102. Li is directed to a computer-based warranty and administration system. Li purports to overcome shortcomings associated with a service "write-up" process for administering vehicle warranty and repair, such as the collection of information by a service advisor from a consumer. Aspects of the write-up may involve an initial repair order, dispatching the work to a service technician, and communicating progress back to the customer. See, for example, Li, column 1, lines 46 through 61.

However, Li fails to describe all the elements or operational relationships of claim 1 as required to establish a *prima facie* case of anticipation under §102. Li's system does not make any provisions for storing training modules in a database for training service personnel, nor does Li communicate any needed training modules from the database as recited in claim 1. In particular, Li fails to teach or suggest the specific operational relationship of "a database for storing training modules for training service personnel to service respective assemblies of selected equipment" as claimed in claim 1. The Examiner relies on Li, FIG. 4,

showing a vehicle owner database 93, col. 4, line 56-67, and col. 5, line 1-5 as teaching this operational relationship. However, applicants submit that this passage of Li is merely directed to a vehicle owner database 93 and simply lists information such as vehicle ID, vehicle warranty type, vehicle date information and vehicle maintenance data. Nowhere from the reading and showing of the foregoing passage, nor anywhere else in Li, would one of ordinary skill in the art have any basis to conclude that the vehicle owner database 93 is used for "storing training modules for training service personnel to service respective assemblies of selected equipment" as recited in claim 1.

The Examiner further relies on Li col. 4, line 56-67 and col. 5, line 1-5, as teaching the operational relationship of "storing training modules," but this cited passage of Li describes a user skill determinator module 50 for determining a skill level for the user. It appears that the skill level information may be stored in a service dealer database 94 as shown in FIG. 3 of Li. However, such a user skill determinator module 50 and service dealer database 94 do not teach or suggest "storing training modules for training service personnel to service respective assemblies of selected equipment." In fact, none of the information that is stored in any of the databases described in Li, for example, as shown in FIGS. 1-6 and described in the specification of Li, constitutes "training modules for training service personnel to service respective assemblies of selected equipment." Li lacks any teaching or suggestion of "providing a database for storing respective training modules" as recited claim 1.

Li also fails to teach or suggest the claimed operational relationship of "in the event the predefined qualifications for servicing the assemble are unmet by the present qualification of the service provider, identifying one or more needed training modules in the database for storing training modules that upon completion by the service personnel would enable the service personnel to meet the predefined qualifications relative to that assembly." The Examiner relies on Li, FIG. 3, col. 3, line 23-31, and col. 4, line 26-29 to teach the foregoing operational relationship. FIG. 3 of Li shows a repair processing module 40 that includes a warranty analysis module 41, a service dealer selector module 42, a

scheduler module 43, a technician selector module 44 and a vehicle loan module 45. However, none of these modules performs any action that correspond to "identifying one or more needed training modules...that upon completion by the service personnel, would enable the service personnel to meet the predefined qualifications relative to that assembly." Accordingly, Li fails to teach or suggest this operational relationship of claim 1.

Furthermore, Li also fails to teach or suggest the claimed operational relationship of "communicating the needed training modules from the database to the input/output device for access by the service personnel set to perform the service, thereby enabling that service personnel to be trained to become qualified to complete the servicing task with the service personnel remaining on-site." The Examiner relies on Li, col. 7 lines 42-54 and col. 4, lines 38-40 and lines 46-53 as teaching this feature. However, Li does not include any such teaching or suggestion, but rather Li at col. 7 lines 42-54 just teaches that a service associate (i.e., the service advisor) can use a user interface to indicate a type of damage and a location of damage on the vehicle. This has nothing to do with communicating training modules to service personnel set to perform the service.

Similarly, col. 4 lines 38-40 and col. 4 lines 46-53 of Li appear to describe details regarding the service dealer database 94 and a technician selector module 44. However, such a technician selector module 44 does not teach or suggest any communicating of training modules that may be needed by the technician to overcome repair skill deficiencies while enabling the technician to remain on-site. Notably, Li recognizes that his system is not designed to deliver any training modules to technicians when Li's system specifically recommends that the technician be sent to a training program to learn additional repair skills. See Li, column 3, lines 29 through 30. Consequently, in sharp contrast to the method recited in claim 1, Li does not deliver a training program to the technician, but rather, in Li, the technician has to be sent to a training program beyond the reach of system 10. See Li, column 3, lines 29 through 30. This is very different from the operational relationships recited in claim 1, where the service personnel will receive, essentially on real time basis, the needed training

modules from the database without having to disengage from the servicing activity, and enroll in and attend a training program as suggested by Li, which likely requires that the service personnel travel to another location. These activities could represent a significant delay and cost not only in terms of lost personnel time, but also lost equipment availability for return to service. Li appears to teach away from these aspects of the present invention in that Li merely recommends what is conventionally done when someone lacks a skill. The present invention, metaphorically speaking, brings the school on the spot to the technician so that the technician can fulfill the servicing task. Thus, one key advantage of the present invention is just not taught or suggested by Li.

As described in the above paragraphs, Li fails to anticipate the structural and/or operational relationships set forth in claim 1. Anticipation under 35 U.S.C. §102 requires that "The identical invention must be shown in as complete detail as contained in the ...claim." (*In re Bond*, 910 F.2d 831, 15USPQ2d 1566 (Fed. Cir. 1990)). Accordingly, Li fails to anticipate claim 1.

Thus, the rejection of claims 1-15 under 35 U.S.C. §102(e) is not supported by the cited art and should be withdrawn.

A.2) With regard to claim 16, independent claim 1 is directed to a "computerized system comprising a database for storing respective training modules for training service personnel to service respective assemblies of selected equipment; an identifier module configured to identify an assembly of equipment that requires servicing at a service site, said module further configured to identify the present qualifications of a service personnel available at the service site for servicing the assembly; a processor configured to process the present qualifications of the service personnel to predefined qualifications needed to service that assembly to determine whether or not the present qualifications of the service personnel meet said predefined requirements; in the event the predefined qualifications for servicing the assembly are unmet by the present qualifications of the service provider, a training identifier configured to identify one or more needed training modules in the database for storing training modules that upon completion by the service personnel would enable the service

personnel to meet the predefined qualifications relative to that assembly; and an input/output device provided to the service personnel for communicating the needed training modules from the database to the input/output device for access by the service personnel set to perform the service, thereby enabling that service personnel to be trained to become qualified to complete the servicing task with the service personnel remaining on-site."

The Examiner relies on Li to reject claim 16 under 35 U.S.C. §102. Li is directed to a computer-based warranty and administration system. Li purports to overcome shortcomings associated with a service "write-up" process for administering vehicle warranty and repair, such as the collection of information by a service advisor from a consumer. Aspects of the write-up may involve initial repair order, dispatching the work to a service technician, communicating progress back to the customer. See, for example, Li, column 1, lines 46 through 61.

However, Li fails to describe all the elements or operational relationships of claim 16 as required to establish a *prima facie* case of anticipation under §102. Li's system does not make any provisions a database for storing training modules for training service personnel, nor does Li teach or suggest an input/output device provided for communicating any needed training modules from the database as recited in claim 16. In particular, Li fails to teach or suggest the claimed element of "a database for storing training modules for training service personnel to service respective assemblies of selected equipment" as recited in claim 16. The Examiner relies on Li, FIG. 4, showing a vehicle owner database 93, col. 4, line 56-67, and col. 5, line 1-5, as teaching this operational relationship. However, applicants submit that this passage of Li is merely directed to a vehicle owner database 93 and simply lists information such as vehicle ID, vehicle warranty type, vehicle date information and vehicle maintenance data. Nowhere from the reading and showing of the foregoing passage, nor anywhere else in Li, can one conclude that the vehicle owner database 93 is used for "storing training modules for training service personnel to service respective assemblies of selected equipment" as recited in claim 16.

The Examiner further relies on Li col. 4, line 56-67 and col. 5, line 1-5, as teaching the element of a "database for storing training modules," but this cited passage of Li describes a user skill determinator module 50 for determining a skill level for the user. It appears that the skill level information may be stored in a service dealer database 94 as shown in FIG. 3 of Li. However, such a user skill determinator module 50 and service dealer database 94 do not teach or suggest "a database for storing training modules for training service personnel to service respective assemblies of selected equipment." In fact, none of the information that is stored in any of the databases described in Li, for example, as shown in FIGS. 1-6 and described in the specification of Li, constitutes "training modules for training service personnel to service respective assemblies of selected equipment." Li lacks any teaching or suggestion with regard to "database for storing respective training modules" as recited claim 16.

Li also fails to teach or suggest the claimed element of "in the event the predefined qualifications for servicing the assembly are unmet by the present qualification of the service provider, a training identifier configured to identify one or more needed training modules in the database for storing training modules that upon completion by the service personnel would enable the service personnel to meet the predefined qualifications relative to that assembly." The Examiner relies on Li, FIG. 3, col. 3, line 23-31, and col. 4, line 26-29 to teach the foregoing operational relationship. FIG. 3 of Li shows a repair processing module 40 that includes a warranty analysis module 41, a service dealer selector module 42, a scheduler module 43, a technician selector module 44 and a vehicle loan module 45. However, none of these modules is a training identifier configured to identify one or more needed training modules...upon completion by the service personnel, would enable the service personnel to meet the predefined qualifications relative to that assembly." Accordingly, Li fails to teach or suggest this operational relationship of claim 16.

Furthermore, Li also fails to teach or suggest the claimed element of "an input/output device provided...for communicating the needed training modules from the database to the input/output device for access by the service personnel

set to perform the service, thereby enabling that service personnel to be trained to become qualified to complete the servicing task with the service personnel remaining on-site." The Examiner relies on Li, col. 7 lines 42-54 and col. 4, lines 38-40 and lines 46-53 as teaching this feature. However, Li does not include any such teaching or suggestion, but rather Li at col. 7 lines 42-54 just teaches that a service associate (i.e., the service advisor) can use a user interface to indicate type of damage and damage location on the vehicle. This has nothing to do with communicating training modules to service personnel set to perform the service.

Similarly, col. 4 lines 38-40 and col. 4 lines 46-53 of Li appear to describe details regarding the service dealer database 94 and a technician selector module 44. However, such a technician selector module 44 does not teach or suggest any communicating of training modules that may be needed by the technician to overcome repair skill deficiencies while enabling the technician to remain on-site. Notably, Li recognizes that his system is not designed to deliver any training modules to technicians when Li's system specifically recommends that the technician be sent to a training program to learn additional repair skills. See Li, column 3, lines 29 through 30. Consequently, in sharp contrast to the method recited in claim 1, Li does not deliver a training program to the technician, but rather, in Li, the technician has to be sent to a training program beyond the reach of system 10. See Li, column 3, lines 29 through 30. This is completely different to the operational relationships recited in claim 1 where the service personnel will receive, essentially on real time basis, the needed training modules from the database without having to disengage from the servicing activity, and enroll in and attend a training program as suggested by Li, which likely requires that the service personnel travel to another location. These activities could represent a significant delay and cost not only in terms of lost personnel time, but also lost equipment availability for return to service. Li appears to teach away from these aspects of the present invention in that Li merely recommends what is conventionally done when someone lacks a skill. The present invention, metaphorically speaking, brings the school on the spot to

the technician so that the technician can fulfill the servicing task. Thus, one key advantage of the present invention is just not taught or suggested by Li.

As described in the above paragraphs, Li fails to show the structure and/or operational relationships as set forth in claim 16. Anticipation under 35 U.S.C. §102 requires that "The identical invention must be shown in as complete detail as contained in the ...claim." (*In re Bond*, 910 F.2d 831, 15USPQ2d 1566 (Fed. Cir. 1990)). Accordingly, Li fails to anticipate claim 16.

Thus, the rejection of claim 16 under 35 U.S.C. §102(e) is not supported by the cited art and should be withdrawn.

B) Rejection of claim 6 under 35 U.S.C. §103(a) as being unpatentable over Li (U.S. Pat. No. 6,609,050) in view of Hughes (U.S. Pat. No. 5,959,275).

The applicants argue that the cited combination of Li and Hughes does not render claim 6 *prima facie* obvious as required under MPEP 2142 because there is no motivation to combine the references in the manner suggested by the Examiner to arrive at the claimed invention. MPEP 2143.01 provides that the mere fact that references can be combined or modified in hindsight does not render that resultant combination obvious. Rather, the prior art must also suggest the desirability of the combination (*In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)).

The Examiner recognizes that Li fails to disclose "communications between the [training] database and the input/output device is done via wireless communications" as recited in claim 6. The Examiner relies on Hughes as teaching communicating with a remote device over a radio link. Essentially, Hughes fails to remedy the shortcomings of Li, discussed above in Section A.1). Furthermore, Hughes is directed to a system for registering and tracking network equipment at a circuit card level. See Hughes, Abstract, col. 2, lines 47-48. Nowhere does Hughes teach or suggest communicating "training modules" via wireless communications as recited in claim 1 and dependent claim 6. Consequently, there can be no teaching or suggestion to combine the radio link

of Hughes in the system of the Li patent to arrive at the present invention. MPEP 2143.01 provides: The mere fact that references can be combined or modified in hindsight does not render that resultant combination obvious. Rather, the prior art must also suggest the desirability of the combination (*In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)). Accordingly, because Li and Hughes, whether considered individually or in combination, fail to teach or suggest a method for training service personnel that includes communicating training modules via wireless communications, the Examiner has failed to establish a case for *prima facie* obviousness.

Thus, the rejection of claim 6 under U.S.C. §103(a) is not supported by the art and should be withdrawn.

Respectfully submitted,



W. David Sartor, Esquire
Registration No. 50,560
Beusse, Brownlee, Wolter, Mora & Maire, P.A.
390 North Orange Avenue, Suite 2500
Orlando, Florida 32801
Telephone: (407) 926-7724
Facsimile: (407) 926-7720

CLAIMS APPENDIX**37 CFR 41.37(c)(1)(viii)**

1. A computerized method for training service personnel to service selected equipment while the service personnel is on-site adjacent the equipment to perform a service for which the service personnel may not yet be qualified to perform, said method comprising:

providing a database for storing respective training modules for training service personnel to service respective assemblies of selected equipment;

identifying an assembly of equipment that requires servicing at the site;

identifying the present qualifications of a service personnel available at the service site for servicing the assembly;

correlating the present qualifications of the service personnel to predefined qualifications needed to service that assembly to determine whether or not the present qualifications of the service personnel meet said predefined requirements;

in the event the predefined qualifications for servicing the assembly are unmet by the present qualifications of the service provider, identifying one or more needed training modules in the database for storing training modules that upon completion by the service personnel would enable the service personnel to meet the predefined qualifications relative to that assembly;

providing an input/output device to the service personnel; and

communicating the needed training modules from the database to the input/output device for access by the service personnel set to perform the service, thereby enabling that service personnel to be trained to become qualified to complete the servicing task with the service personnel remaining on-site.

2. The method of claim 1 wherein the present qualifications of service personnel available at the service site for servicing the assembly are stored in the database.

3. The method of claim 1 wherein the predefined qualifications needed to service the assembly to be serviced is stored in the database.

4. The method of claim 1 further comprising communicating the successful completion of training by the service personnel back to the database and updating the database.

5. The method of claim 1 wherein the database does not recognize the equipment as having been serviced until the needed training module has been successfully completed.

6. The method of claim 1 wherein the communications between the database and the input/output device is done via wireless communications.

7. The method of claim 1 wherein the service personnel is present at the service site when the training modules are communicated and training is performed.

8. The method of claim 1 wherein the training module is downloaded to the input/output device.

9. The method of claim 1 wherein the input/output device (314) interfaces with the training module while the training module is resident in the database.

10. The method of claim 1 wherein the training module comprises a multimedia training module.

11. The method of claim 1 wherein the database is configured to deliver, upon request of a service provider, background information regarding other assemblies interrelated to an assembly being serviced.

12. The method of claim 1 wherein the training module includes a list of tools used to perform services for a given assembly.

13. The method of claim 1 wherein each training module is updated to reflect changes in the predefined requirements for servicing a respective assembly.

14. The method of claim 1 wherein the database is configured to automatically schedule refresher training as may be required to maintain the present qualifications of a service provider.

15. The method of claim 1 wherein each training module includes a set of questions configured to elicit responses indicative of whether a service provider has mastered the training objectives set forth therein.

16. A computerized system for training service personnel to service selected equipment while the service personnel is on-site adjacent the equipment to perform a service for which the service personnel may not yet be qualified to perform, said system comprising:

a database for storing respective training modules for training service personnel to service respective assemblies of selected equipment;

an identifier module configured to identify an assembly of equipment that requires servicing at a service site, said module further configured to identify the present qualifications of a service personnel available at the service site for servicing the assembly;

a processor configured to process the present qualifications of the service personnel to predefined qualifications needed to service that assembly to determine whether or not the present qualifications of the service personnel meet said predefined requirements;

in the event the predefined qualifications for servicing the assembly are unmet by the present qualifications of the service provider, a training identifier configured to identify one or more needed training modules in the database for storing training modules that upon completion by the service personnel would enable the service personnel to meet the predefined qualifications relative to that assembly; and

an input/output device provided to the service personnel for communicating the needed training modules from the database to the input/output device for access by the service personnel set to perform the service, thereby enabling that service personnel to be trained to become qualified to complete the servicing task with the service personnel remaining on-site.

end